

OJP Quick Guide: The Part 200 Uniform Requirements

Answers to Frequently Asked Questions Regarding Awards

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Part 200 Uniform Requirements—Answers to Frequently Asked Questions Regarding Awards

OJP Grants and Cooperative Agreements

Do the (DOJ) Part 200 Uniform Requirements apply to all active OJP grants and cooperative agreements?

No. The applicability of the Part 200 Uniform Requirements depends on *when* the award was made and accepted, the *type of entity* that received the award, and the specific *terms and conditions* of the award (including any supplements.)

The Part 200 Uniform Requirements have little effect on active grants and cooperative agreements that OJP awarded **prior** to calendar year 2015, other than certain awards that receive supplemental funds from OJP (under the same award number) in 2015 or subsequent years.

Also, even for OJP awards made in 2015 or subsequent years, the Part 200 Uniform Requirements by their terms extend only to awards to certain defined types of entities – typically States and local governments, federally-recognized Indian tribes, public or nonprofit institutions of higher education, and nonprofit organizations other than institutions of higher education.

For other types of OJP recipients (for example, for-profit organizations), the Part 200 Uniform Requirements typically apply **to the extent** that the conditions of the OJP award (including any condition that incorporates the DOJ Grants Financial Guide) provide that all or part of the Part 200 Uniform Requirements apply. Recent OJP awards to such less-common types of recipients well may contain **multiple conditions** related to applicability of the Part 200 Uniform Requirements.

OJP Awards

Where do I look to determine whether a particular OJP award is under the Part 200 Uniform Requirements?

The best starting point to determine whether, how, and to what extent (if any) the Part 200 Uniform Requirements affect a particular OJP award is to read carefully the terms and conditions of the award, including the terms and conditions of any supplements made by OJP under the same award number.

The first condition of most OJP awards made in calendar year 2015 specifically addresses the Part 200 Uniform Requirements. But always keep in mind that more than one award condition may discuss or relate to the Part 200 Uniform Requirements. This is particularly true for awards to some of the less-common types of OJP recipients, such as individuals and for-profit organizations.

The conditions of an OJP award (not supplement) made to my organization in 2015 provide that the Part 200 Uniform Requirements apply. Does this mean that other DOJ regulations are no longer relevant to this OJP award?

No. If and when the Part 200 Uniform Requirements apply to an OJP award, they typically supersede (“replace”) the DOJ regulations at 28 C.F.R. Part 66 and at 28 C.F.R. Part 70 (both of which deal with administrative requirements for grants).

But even when the Part 200 Uniform Requirements do apply to a particular OJP award, they typically do not alter other DOJ regulations, other than their effect on 28 C.F.R. Parts 66 and 70.

Do the Part 200 Uniform Requirements alter the Federal Acquisition Regulations (FAR)?

No. This new DOJ regulation does not alter the FAR.

Do the Part 200 Uniform Requirements replace OMB Circulars?

If and when the Part 200 Uniform Requirements apply to a particular OJP award, they typically supersede the following OMB grants-related circulars on administrative requirements, cost principles and audit requirements:

- OMB Circular A-21 / 2 C.F.R. Part 220
- OMB Circular A-87 / 2 C.F.R. Part 225
- OMB Circular A-122 / 2 C.F.R. Part 230
- OMB Circular A-102
- OMB Circular A-110 / 2 C.F.R. Part 215
- OMB Circular A-133

Do the Parts 200 Uniform Requirements change eligibility under OJP grant program statutes?

No. The Part 200 Uniform Requirements (including the definitions) do **NOT** themselves alter existing federal statutes, including OJP grant program statutes.

My organization received an OJP award in late 2015, and the conditions of that award (which was not a supplement) indicate that the Part 200 Uniform Requirements apply. Does that mean that our other active OJP awards from earlier years are now under the Part 200 Uniform Requirements?

In many cases, no. In general, awards made by OJP before January 1, 2015, are not under the Part 200 Uniform Requirements. Awards that were supplemented by OJP – under the same award number – on or after January 1, 2015 can be a significant exception. (See next FAQ.)

OJP Supplements and Subawards

In 2015, my organization received and accepted an OJP award in 2015 that supplemented an existing OJP award. The supplement was made under the same award number as the initial award. Do the Part 200 Uniform Requirements only apply to the supplemental amount awarded in 2015?

OJP awards made in calendar year 2015 that supplement earlier OJP funding typically include a condition that applies all or some of the Part 200 Uniform Requirements to all award funds (whether from an initial award or a supplemental award) that are obligated on or after the date the recipient accepts the 2015 supplement. Please refer to the terms and conditions in the award document.

Do the Part 200 Uniform Requirements apply to (or affect) all subawards made on or after January 1, 2015?

Not necessarily. Generally speaking, whether the Part 200 Uniform Requirements – as opposed to the requirements that preceded them – are pertinent to a particular subaward under an OJP award will depend on the rules applicable to the **OJP award** made directly to the **recipient**. If, under the OJP award, the recipient must comply with much or all of the Part 200 Uniform Requirements, then subawards under that award also will be affected by the Part 200 Uniform Requirements.

Assistance with Additional Questions

Whom should recipients of OJP awards contact for assistance on questions about the Part 200 Uniform Requirements and OJP Awards?

Questions should be directed to OJP as the awarding agency.

Also, if an award-related question arises from materials distributed by OJP that appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, recipients are to contact OJP promptly for clarification.